

Filed for intro on 02/15/95
Senate Bill _____
By _____

House No. HB1231
By DeBerry

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 10, relative to a curfew for minors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 10, is amended by adding Sections 2 through 4 of this act as a new part:

SECTION 2. It is the intent of the general assembly in enacting this curfew provision to further the important and compelling state interests of:

- (1) Protecting minors in this state from harm and victimization;
- (2) Promoting juvenile safety and well-being; and
- (3) Reducing juvenile crime and violence in this state.

SECTION 3. (a) As used in this act, unless the context requires otherwise:

(1) "Establishment" means any privately owned place of business to which the public is invited, including, but not limited to, any place of amusement or entertainment.

(2) "Parent" means any person having legal custody of a minor either as a natural or adoptive parent, or as a legal guardian, or as a person who stands in loco parentis, or as a person to whom legal custody has been given by order of the court.

(3) "Public Place" means any place to which the public or a substantial group of the public has access, including but not limited to streets, highways, public parks, and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, and shops.

(4) "Remain" means to stay behind unnecessarily in a particular place.

(b) No person under the age of eighteen (18) years shall be or remain in any public place or establishment between the hours of 12:00 midnight and 6:00 a.m.

(c) Any person or persons violating the provisions of subsection (b) shall, upon adjudication thereof, and subject to the discretion of the presiding judge, for the first violation be required to provide service to the community by removing litter from the state highway system, public playgrounds, public parks or other appropriate locations or by working in a recycling center for a total of ten (10) hours. For adjudication on the second violation, there shall be required a total of forty (40) hours of community service as described herein. For adjudication on the third and subsequent violations, there shall be required a total of one hundred (100) hours of community service as described herein, and the court shall prohibit such person or persons from driving a vehicle in the state of Tennessee for a period of time of one (1) year.

(d) The presiding judge shall also impose a penalty upon the parents or guardian of any minor violating the provisions of subsection (b), which shall consist of one of the following:

(1) Require the parents or guardian to perform an equal number of hours of community service, as described in subsection (c), as the minor; or

(2) Impose a fine of fifty dollars (\$50).

(e) The provisions of subsection (b) shall not apply under circumstance in which the minor is:

(1) Accompanied by the minor's parent, guardian, or other adult person who is authorized by a parent or guardian to have custody of the minor;

(2) Attending or traveling directly to or from an activity involving the exercise of first amendment rights;

(3) Involved in an emergency, or when the minor is upon an emergency errand for the minor's parent or guardian;

(4) Going directly to or returning directly from lawful employment, or when the minor is in a public place or establishment in connection with or as required by a business, trade, profession, or occupation in which the minor is lawfully engaged;

(5) Returning directly home from a school sponsored function, a religious function, or a civic organization sponsored function;

(6) On the property of or the sidewalk of the place where the minor resides, or on the property or sidewalk of either next door neighbor if by the neighbor's permission; or

(7) In a motor vehicle with parental consent for interstate travel, or for bona fide intrastate travel.

SECTION 4. This act shall be local in effect and shall apply throughout a particular county upon approval by a two thirds (2/3) majority vote of the county legislative body adopting this act.

SECTION 5. This act shall take effect July 1, 1995, the public welfare requiring it.